

United States Court of Appeals
For the First Circuit

04-11026
J. Zobel
USDC - MABO

No. 05-1421

MANDATE
JASON A. MORRIS,

Petitioner, Appellant,

v.

CAROL A. MICI, SUPERINTENDENT,

Respondent, Appellee.

Before

Boudin, Chief Judge,
Campbell and Stahl, Senior Circuit Judges.

JUDGMENT

Entered: December 23, 2005

Petitioner Jason A. Morris seeks relief under 28 U.S.C. § 2254 from his criminal convictions in Massachusetts state court, alleging he was subjected to double jeopardy. The district court deemed his petition untimely under 28 U.S.C. § 2244(d), and denied his request for a certificate of appealability on the issue. Petitioner does not offer any actual rebuttal to the determination of untimeliness, but urges that his substantive challenge to his convictions is so weighty and important that it should be heard in spite of the lapse of the limitations period. We decline the invitation to bypass § 2244(d).

The request for a certificate of appealability is denied and the appeal is terminated.

**Certified and Issued as Mandate
under Fed. R. App. P. 41.**

By the Court:
Richard Cushing Donovan, Clerk.

Richard Cushing Donovan, Clerk


Deputy Clerk

By: JEFF GREGG
Operations Manager.

Date: 2/14/06

[cc: Jason A. Morris and Susanne G. Reardon, AAG]